

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF OKLAHOMA**

<b>(1) JOHNATHAN OLIVE, an individual,</b>	)	
	)	
<b>Plaintiff,</b>	)	
	)	
<b>v.</b>	)	<b>Case No. CIV-12-412-JHP</b>
	)	
<b>(1) BOARD OF COUNTY COMMISSIONERS</b>	)	
<b>OF BRYAN COUNTY, OKLAHOMA,</b>	)	
<b>(2) KEN GOLDEN, THE SHERIFF OF</b>	)	
<b>BRYAN COUNTY IN HIS OFFICIAL</b>	)	
<b>CAPACITY, and (3) ADVANCED</b>	)	
<b>CORRECTIONAL HEALTHCARE, INC,</b>	)	
<b>an Illinois corporation,</b>	)	
	)	
<b>Defendants.</b>	)	

**ORDER AFFIRMING AND ADOPTING THE REPORT  
AND RECOMMENDATION OF THE UNITED STATES  
MAGISTRATE JUDGE**

On June 3, 2014, United States Magistrate Judge Kimberly E. West entered a Report and Recommendation [Doc. No. 140] regarding the Motion for Summary Judgment filed by Defendant Ken Golden (“Golden”), Sheriff of Bryan County, Oklahoma [Doc. No. 78]. The Magistrate Judge recommended that Defendant’s Motion for Summary Judgment be granted and that all claims against Golden be dismissed for the failure of Plaintiff to exhaust his administrative remedies as required by the Prison Litigation Reform Act. On June 13, 2014, Plaintiff timely filed his objections to the Magistrate Judge’s Report and Recommendation in accordance with 28 U.S.C. §636(b)(1) and Fed. R. Civ. P. 72(b)(2). [Doc. No. 142]. Golden filed a response to Plaintiff’s objections to the Report and Recommendation on June 17, 2014. [Doc. No.143].

This Court finds that the Order of the Magistrate Judge is supported by the record.<sup>1</sup> Therefore, upon full consideration of the entire record and the issues presented herein, this Court finds and orders that the Report and Recommendation entered by the United States Magistrate Judge on June 3, 2014, be **AFFIRMED** and **ADOPTED** by this Court as its Findings and Order.

IT IS SO ORDERED this 27th day of August, 2014.

  
James H. Payne  
United States District Judge  
Eastern District of Oklahoma

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<sup>1</sup> This Court notes that Plaintiff has objected to the factual findings of the Magistrate judge that an “emergency room physician arranged for Plaintiff’s follow-up appointment with orthopedic physician, Dr. Chad Crawley for October 11, 2010 at 3:45pm” and that “ACH nurse Cecilene ‘Stevens later learned that Plaintiff did not have a surgery scheduled but rather had an appointment to see Dr. Crawley at a specified time.’” [Doc. No. 142 at 2]. These factual findings are not material to the ruling on Defendant Golden’s Motion for Summary Judgment, therefore the Court does not find it necessary to affirm or reject the Magistrate’s findings regarding these facts.